IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19230 of 2004

Between:

T. Gottaiah,

S/o. Shekaraiah,

Occ: Conductor, E.No. 208897,

R/o Gopulam(V),

Via : Kanakamamdi,

Ranga Reddy District.

..... PETITIONER

AND

The Depot Manager,

A.P.S.R.T.C.,

Rajendra Nagar Depot,

Ranga Reddy District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the Proceedings No. 02/95(57)/2004-RJNR, Dated 09-10-2004 issued by the Respondent placing the petitioner under suspension with immediate effect pending enquiry into the allegation as arbitrary, illegal, unjust, contrary to law, illegal, without application of mind and trivial allegation contrary to circular and also in violation of Articles 14 and 21 of the Constitution of India and set-aside the same as such.

Counsel for the Petitioner: Mr. P.SRIDHAR RAO
Counsel for the Respondent: Mr. V.T.M.PRASAD

The Court at the stage of admission made the following ORDER:

The petitioner is working as a Conductor in the respondent-Corporation. He joined in the respondent-Corporation in 1998. There was an allegation against him that he collected Rs.2/- from a lady passenger and failed to issue ticket to her. Therefore, a charge was framed against him and he was kept under suspension through the proceedings dated 9-10-2004.

Keeping an employee under suspension is not an automatic act that is to be exercised by the concerned authority. The irregularity attributed to the petitioner is not such a grave one, which warrants suspension and the public interest is not likely to suffer if the petitioner is not suspended. Since the charge levelled against the petitioner is not such a grave one, it would be proper to raise the suspension order passed against the petitioner by allowing enquiry to be conducted according to the rules.

In the result, the suspension order passed against the petitioner dated 9-10-2004 is raised. This order will not preclude the respondent from proceeding with the enquiry that is to be conducted against the petitioner on the basis of the charge memo and pass appropriate orders according to rules.

The Writ Petition is accordingly disposed of.

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(Dr. G.YETHIRAJULU,J)

14th October, 2004.

Note: Furnish C.C. in three days.

b/o

tsy/cs

To

1. The Depot Manager,

A.P.S.R.T.C.,

Rajendra Nagar Depot,

Ranga Reddy District

2. Two CD Copies.